

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN
AND FOR MIAMI-DADE COUNTY,
FLORIDA

WINDWARD BORA LLC,

Plaintiff,

v.

VIKTORIYA ZAVELINA,

Defendant.

CIRCUIT CIVIL DIVISION

CASE NO.: 2020-007661-CA-01

**NOTICE OF FILING AFFIDAVIT IN OPPOSITION TO MOTION TO DISMISS AND
MOTION FOR PROTECTIVE ORDER**

Plaintiff, WINDWARD BORA LLC, by and through undersigned counsel, files its
Affidavit in opposition to the Defendant, Viktoriya Zavelina's *Motion to Dismiss* and *Motion for
Protective Order*, attached hereto.

Respectfully submitted,

AGENTIS PLLC
Counsel for Plaintiff
55 Alhambra Plaza, Suite 800
Coral Gables, Florida 33134
T. 305.722.2002

By: /s/ Christopher B. Spuches
Christopher B. Spuches
Florida Bar No.: 42456
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IN THE CIRCUIT COURT OF THE
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WINDWARD BORA LLC,

CIRCUIT CIVIL DIVISION

Plaintiff,

CASE NO.: 2020-007661-CA-01

v.

VIKTORIYA ZAVELINA,

Defendant.

AFFIDAVIT OF PLAINTIFF IN OPPOSITION TO MOTION TO DISMISS

1. My name is Yonel Devico. I am over 21 years of age. This affidavit is based on my personal knowledge.
2. I am the authorized representative of Windward Bora LLC, the Plaintiff in this case.
3. Windward Bora is a Florida citizen, and it has only one office, which is located at 1688 Meridian Avenue, Miami Beach, Florida 33139. Payments are due to Windward Bora under the subject mortgage at our Florida address.
4. On July 18, 2015, the subject loan and loan documents (including the contract on which this case is based) were assigned to Windward Bora LLC. The recorded assignment of mortgage attached as an exhibit to Windward Bora's opposition to the Defendant's Motion to Dismiss clearly identifies Windward Bora's address as 1688 Meridian Avenue, Miami Beach, Florida 33139.

5. The Defendant, Viktoriya Zavelina, has filed an affidavit claiming that she has no connection to Florida. I have reviewed certain publicly filed documents, and Ms. Zavelina's claims do not appear to be true.

6. First, according to a recorded deed attached as an exhibit to Windward Bora's opposition to the Defendant's Motion to Dismiss, Ms. Zavelina has apparently owned (or owns) property in Miami-Dade County, Florida, located at 18800 NE 29th Ave. Apt. 916, Miami, Florida.

7. In addition, Ms. Zavelina has availed herself of Florida's judicial system, having sued a defendant in Miami-Dade County, Florida in Case No. 2008-4934-CA-01 styled *Viktoriya Zavelina v. TRG Harbour House, Ltd.*

8. Ms. Zavelina has also previously been sued in Miami-Dade County, Florida, at least twice, pursuant to Case No. 10-33290-CC-23 styled *Venture at Aventura East Condo Assn. Inc. v. Victoriya Zavelina*, and Case No. 09-19734-CA-01 styled *JPMorgan Chase Bank v. Victoriya Zavelina*.

9. It would certainly appear that Ms. Zavelina is no stranger to Florida, and has had several business dealings in Florida (and especially Miami-Dade County, Florida).

10. Windward Bora has the sole rights to the rental proceeds derived from the subject property located at 195 E 39 Street, Brooklyn, New York.

11. Windward Bora has never authorized Ms. Zavelina to collect any rental payments derived from that property.

12. Ms. Zavelina has never transmitted any rental payments to Windward Bora.

13. No party has made a mortgage payment on the subject property since 2008, and no party has never made a mortgage payment to Windward Bora.

FURTHER AFFIANT SAYETH NAUGHT

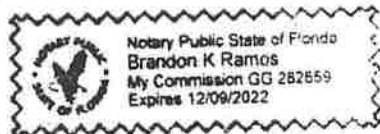
STATE OF FLORIDA }
COUNTY OF MIAMI-DADE }



YONEL DEVICO

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this December 28th, 2020 by YONEL DEVICO, who is personally known to me or who has produced Florida Driver's License as identification.

Seal:





NOTARY PUBLIC